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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,085	01/13/2005	Paul Stuart Coley	A36427-PCT-USA (072813.01)	1138
21003	7590	03/25/2008	EXAMINER	
BAKER BOTTS L.L.P. 30 ROCKEFELLER PLAZA 44TH FLOOR NEW YORK, NY 10112-4498			OGDEN JR, NECHOLUS	
			ART UNIT	PAPER NUMBER
			1796	
			NOTIFICATION DATE	DELIVERY MODE
			03/25/2008	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DLNYDOCKET@BAKERBOTTS.COM

<b>Office Action Summary</b>	<b>Application No.</b> 10/517,085	<b>Applicant(s)</b> COLEY, PAUL STUART	
	<b>Examiner</b> Necholus Ogden	<b>Art Unit</b> 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,6 and 16-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2, 6 and 16-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                          | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1-29-08 has been entered.
2. Claims 1-2, 6 and 8-12 rejected under 35 U.S.C. 103(a) as obvious over Hei et al (5,871,590) in view of Cantrell et al (3,609,089) or Genova et al (6,008,261) is withdrawn.
3. Claims 1-2, 6 and 116-33 rejected under 35 U.S.C. 103(a) as obvious over Jones (6,475,290) in view of Cantrell et al (3,609,089) or Genova et al (6,008,261) is withdrawn.
4. Claims 1-2, 6 and 16-33 rejected under 35 U.S.C. 103(a) as obvious over Teasdale et al (6,376,451) in view of Cantrell et al (3,609,089).
5. Claims 1-2, 6, 8-12, 16-33 rejected under 35 U.S.C. 103(a) as obvious over Leadingham et al (5,525,255) in view of Cantrell et al is withdrawn
6. Claims 1-2, 6 and 16-33 are rejected under 35 U.S.C. 103(a) as obvious over Teasdale et al (6,376,451) in view of Genova et al (6,008,261).
7. Teasdale et al discloses a hard surface cleaning composition comprising anionic, nonionic surfactants; an enzyme; bacteria; a stabilizer; a buffer and water (col. 1, line

43-col. 2, line 3). Teasdale et al further teach that said bacteria are present in an amount from 0.1 to 10% by weight (see Table and claims).

Teasdale et al is silent with respect to an alkali metal halide component.

Genova et al disclose an aqueous cleansing composition that may be used as a car detergent (abstract), which comprises surfactants; an alkyl ester of lactic acid; an electrolyte such as sodium chloride (col. 3-col. 4, line 53), wherein said electrolyte is present in an amount from 0 to 2.0% by weight (col. 4, line 1) and further said compositions comprise preservatives in amounts from 0.15% and 0.25% (col. 4, line 57 and Tables I and 7).

It would have been obvious to one of ordinary skill in the art to include the sodium chloride component of Genova et al to the compositions of Teasdale et al because Genova et al teach and disclose said sodium chloride and preservatives as additives in car washing compositions and one of ordinary skill would have been motivated to include the adjunct materials for their intended purpose such as viscosity improving agent, preservation agents for shelf life purpose and many other purposes well known throughout the art. Therefore, one of ordinary skill would have been motivated to include said sodium chloride and preservative components in the absence of a showing to the contrary and in light of the benefits disclosed herein.

8. Claims 1-2, 6, 8-12, 16-20, 22-29, 32-33 are rejected under 35 U.S.C. 103(a) as obvious over Leadingham et al (5,525,255) in view of Genova et al (6,008,261).

9. Leadingham et al disclose a cleaning agent for use in self propelled vehicle-scrubbing equipment, wherein said vehicles include trucks (col. 1, lines 58-63 and col.

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5, lines 35-39). Leadingham et al teach that said cleaning agent comprises nonylphenol ethoxylates; alkane sulfonates, and a microorganism in an aqueous solution (see examples 1 and 2).

Leadingham et al is silent with respect to the alkali metal halide component.

Cantrell et al disclose a vehicle cleansing compositions comprising phosphates, 5-60% by weight of alkali metal chloride; alkyl benzene sulfonates; 10% ethoxylated alcohols and a hydrotropic agent (abstract) microorganisms added in trace amounts but higher or lower amounts of microorganism could be employed (see col. 4, lines 1-23).

Genova et al disclose an aqueous cleansing composition that may be used as a car detergent (abstract), which comprises surfactants; an alkyl ester of lactic acid; an electrolyte such as sodium chloride (col. 3-col. 4, line 53), wherein said electrolyte is present in an amount from 0 to 2.0% by weight (col. 4, line 1) and further said compositions comprise preservatives in amounts from 0.15% and 0.25% (col. 4, line 57 and Tables I and 7).

It would have been obvious to one of ordinary skill in the art to include the sodium chloride component of Genova et al to the compositions of Leadingham et al because Genova et al teach and disclose said sodium chloride and preservatives as additives in car washing compositions and one of ordinary skill would have been motivated to include the adjunct materials for their intended purpose such as viscosity improving agent, preservation agents for shelf life purpose and many other purposes well known throughout the art. Therefore, one of ordinary skill would have been

motivated to include said sodium chloride and preservative components in the absence of a showing to the contrary and in light of the benefits disclosed herein.

***Response to Arguments***

10. Applicant's arguments filed 1-2-2008 have been fully considered but they are not persuasive.

11. Applicant argues that Teasdale requires enzymes and buffers, "neither of which are required" by the claimed invention.

12. The examiner contends that applicants claimed invention has a transitional phrase of "comprising" which permits the inclusion of additional components outside the scope of the claimed invention.

13. Applicant argues that Genova does not provide a likelihood of success that would increase the cleansing activity by including the alkali metal salts or preservatives.

14. The examiner contends that applicant has not provided any evidence to the contrary and the burden now rest upon applicant to overcome the secondary reference once a prima facie case has been established. Specifically since Genova teaches and requires alkali metal salts and preservatives in car cleansing compositions which is analagous to Teasdale and Leadingham. Therefore, one of ordinary skill in the art would have been motivated to include the alkali metal halide and preservatives for their intended purpose and wherein said components are notorious well known adjunct materials for cleansing compositions. Accordingly, the addition of said materials would have been obvious to the artisan of ordinary skill to include the adjunct components of

Genova in view of their well known benefits in the cleansing art and absent a showing to the contrary.

15. Applicant argues that Leadingham requires a wetting agent which is not a component of the prior art of record.

16. The examiner contends that said wetting agents, as it appears, are nonionic surfactants such as ethoxylated alcohols and therefore, as Leadingham teaches, said nonionic surfactants serve as releasing agents to remove fats, oils and greases from surfaces (col. 3, lines 60-66).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Necholas Ogden whose telephone number is 571-272-1322. The examiner can normally be reached on M-Thu.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Necholus Ogden/  
Primary Examiner  
Art Unit 1796

3-16-2008